1: Longrigg G-4, 5 (ca. 1915-1940) MH Iraq MH

a Baṣra ex-deputy of moderate views and high character: and a Shi'i business man and politician and strong nationalist, Ḥajj Ja'far abu al-Timman. This Cabinet, with the loss of Abu al-Timman, accepted the Treaty late in June 1922, but it added the proviso, resisted in vain by Cox, that it must be ratified, with the Organic Law and the Electoral Law, by the coming Constituent Assembly.

The Electoral Law had been published in May, and Cabinet approval to the Treaty was followed by a first beginning of electoral processes. Anti-Treaty feeling continued to be excited, to the grave danger of public order, by the irreconcilable 'Ulamā, by the factions and self-interests of the Euphrates shaykhs, and by a locally partisan administration. The Muntafiq situation was especially threatening, and Yāsin Pāsha al-Hashimi, as a dominating nationalist figure, was sent there as Mutaṣarrif. Conditions elsewhere in the provinces—Dulaym, Ḥilla, Najf, Diyalā—were uneasy or even threatening. In other liwās great efforts were made by anti-Treaty (which had become synonymous with anti-British) politicians and divines to disturb tribal order, and violent trouble was momentarily expected.

Under a new Law of Associations, published in July 1921, Shi'i political elements in Baghdad formed two parties, the Waṭani (Nationalist) and the Nahḍha (Awakening); these were matched by the moderate Ḥizb al-Ḥurr (Free Party) of the Naqib's eldest son, Sayid Maḥmud al-Gaylani. Early in August, further 'patriot' meetings were held in Najf and in Baghdad. The new Shi'i parties and a press characterized more by violent and irresponsible rhetoric than by sober comment or a serious news service, demanded that the public reject the Treaty and refuse to participate in elections. al-Khaliṣi, veering at times towards pro-Turkish views, preached hell fire against all who compromised their independence. The Cabinet, realizing that the King was at least tolerating much of the extremist opposition to themselves and their more moderate councils, resigned in a body on 14 August.

The days following were critical for the 'Iraq Kingdom. The King's attitude had, indeed, lately been one of seeming identification with the elements most violently opposed to the Treaty: a Treaty which represented the policy not only of the British Government but of the 'Iraqi Cabinet itself. Relations with the almost infinitely patient High Commissioner were rapidly worsening. Two days before the awaited Coronation-day celebrations, 23 August, the two parties issued a violent manifesto, protested openly to the King against British influence, and demanded as Prime Minister a Shi'i leader, Sayid Muḥammad al-Ṣadr. At the levée itself, Sir Percy Cox was insulted deliberately by anti-British

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

the bazaars were closed in condemnation of this outrage to the men of learning, a party of whom gathered to withdraw in dudgeon from ungrateful 'Iraq. These proceeded to Karbalā, were deaf to Government reassurances, and with diminished numbers left 'Iraq for Kirmanshah. Here the holy men awaited with complete confidence the results of so striking a gesture. But there were none. Even in the Holy Cities no commotion followed; Sunni observers were delighted; to the Government it was a veritable answer to prayer, and the dutiful protests of the Persian Government fell on deaf ears in Baghdad. A mediating visit to 'Iraq by the British Minister in Teheran was fruitless. Only after a formal approach to the Prime Minister by spokesmen of the 'Ulamā in November 1923, with protestations of a change of heart and policy, were their self-exiled colleagues permitted to return on the condition of abstention from politics henceforward. The main body re-entered 'Iraq in April 1924, still influential but never to regain their old dominion in the country's affairs.

The field thus clear, election machinery could start to operate. Uneasiness among the Kurds and Turkomans of Kirkuk and Arbil at the prospect of 'Arab Government' was calmed by the High Commissioner. Some ambiguity in the legal provisions for tribal representation was cleared up; tribesmen, it was ruled by the Ministry of Justice, could register as ordinary voters in addition to enjoying their specific representation by twenty deputies. So novel a concession to the tribes, for whom Turkish conceptions had provided no voice at all, was obnoxious to the conservatives of Sayid Maḥmud's Free Party, and disrupted it to vanishing-point. The voters of Sulaymaniya liwā, of whom numbers had perforce registered in Kirkuk while their own headquarter town was beyond control, completed their own liwā rolls and could choose their own deputies when in 1924 it was reoccupied (p. 152). By the mid-March of that year the procedure of primary and secondary election was complete.

The Cabinet of 'Abd al-Muḥsin Bey had by November 1923 reached a stage of *malaise* which presaged the end. It was due to discord with the Shi'i element and to some disagreements with the King. Ja'far Pasha al-'Askari, who had returned from Geneva to spend a few valuable days as Mutaṣarrif of Mosul, was invited by the King to form the Cabinet which should face the Constituent Assembly. Accepting the charge, he retained two Shi'i ministers including Muḥsin al-Shallash at Finance, brought to Interior 'Ali Jawdat al-Ayubi (a modern-minded ex-officer who had acted as Mutaṣarrif of Ḥilla), and completed his team with Ṣubiḥ Nasha't, Nuri Sa'id, and the eminent Mosul and Baṣra notables, Sayid Aḥmad al-Fakhri and Shaykh Ṣaliḥ Basha'yan, in other

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

exhortations, refusals. By late afternoon there was no result, and Dobbs categorically refused a twenty-four hour postponement. Before midnight, however, the Prime Minister, Ja'far Pasha, succeeded in convening 69 out of the 100 delegates in the Assembly Hall. Thirty-seven votes for the unamended Treaty were in the end obtained, with 24 in opposition; the 8 abstentions were due, beyond doubt, to intimidation. Acceptance of the Treaty, even ratified in this sadly abnormal manner, was hedged with conditions which Ja'far Pasha found it necessary to specify—that the British Government should honour its reassurances by amending the Financial Agreement in 'Iraq's favour: that the King of 'Iraq should hasten to negotiate with the British Government to this end: and that the whole Treaty should be null and void 'if the British Government fail to safeguard the rights of 'Iraq in the Mosul wilaya in its entirety'.

The stormy days and nights of Treaty ratification were followed in 'Iraq at large by a period of relative peace; a peace in which every anti-Treaty or anti-British element remained dormant but alive. In the Assembly, a peaceful passage of the Organic and the Electoral Laws marked the jaded weariness of deputies.

The Organic Law, a reasonably adequate result of repeated redrafting, endowed 'Iraq with a semi-rigid Constitution which, proclaiming it 'a sovereign State, independent and free' with a constitutional hereditary monarchy and a representative Government, set forth the rights of the people and the Crown, the legislature and the ministers, established the Courts, and regulated financial and administrative responsibilities. The Electoral Law enfranchised every adult male tax-paying 'Iraqi, and provided for a procedure of primary and secondary election, whereby the secondary electors, one for every 250 primary, elected a deputy to represent every 20,000 voters. The deputy must belong to the same electoral circle, consisting of a group of liwās, as the voter. Separate representation was enjoyed by tribesmen and by the Christian and Jewish minority communities of the liwās of Baghdad, Baṣra, and Mosul.

The dissolution of the Constituent Assembly gave Ja'far Pasha the opportunity, which he had been seeking, to resign from the premiership. A new Cabinet was formed on 2 August under Yasin Pasha, to be confronted by pressing questions of the northern frontier and of financial stringency. 'Abd al-Muḥsin al-Sa'dun was called to the Ministry of the Interior, Sasun Ḥasqayl to Finance. To the Ministry of Justice came a young and clever, but unstable and hasty lawyer of good family, Rashid 'Āli al-Gaylani; and to that of Communications and Works an imposing and not incompetent younger member of the Pachachi house, Muzaḥim Bey.

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

manner an occupation', and 'in no way prejudice the sovereign rights of 'Iraq'. The latter's forces were to be aided by Great Britain with arms, equipment, and training: in time of war British forces were to enjoy 'all facilities and assistance' in 'Iraq's power to give, and free movement by land, air, and water. The British representative at Baghdad was to hold ambassadorial rank and to enjoy precedence over other diplomats. The Treaty was to have a life of twenty years.

A new Financial Agreement, for which the Treaty provided, arranged for the cession of abandoned British camps and aerodromes to 'Iraq within five years, for the transfer of the 'Iraq Railways to an *ad hoc* Corporation, and for that of the Port of Baṣra to a Port Trust. Foreign officials needed by the 'Iraq Government were to be British, and the conditions of service of those already employed would remain unaffected.

Even before Treaty revision had reached its final stage, negotiations had been in progress for the replacement of the 1924 Judicial Agreement, in which the surviving remnants of the old Turkish Capitulatory régime ill accorded with 'Iraq's future status. The new Agreement, initialed by Nuri Pasha and the High Commissioner on the same day as the Treaty and ratified on 4 March 1931, provided for 'a uniform system of justice . . . applicable to all 'Iraqis and foreigners alike'. To facilitate this a number of British lawyers, later determined as nine, were to be employed for a period in the Courts and the Ministry of Justice. Certain alterations in the Criminal Code and in the rules of evidence were to be made (and were made in fact) before the Agreement took effect. Communicated to the League of Nations, this Agreement was approved on condition that all ex-Capitulatory Powers accepted the new position of their subjects in 'Iraq under it. They did so without exception within a few months: an acceptance which went far to render 'Iraq's new status acceptable to other nations.

Even accompanied as it was by an understanding with the High Commissioner for the immediate reduction of British officials, whereunder the ubiquitous Administrative Inspectors were in fact diminished in number and largely recalled from the provinces to Baghdad, the Treaty was received without enthusiasm in 'Iraq, and was, for opposite reasons, sternly criticized by many spokesmen in Great Britain. By the 'Iraq minorities immediate alarm was felt, as will appear later; by the ultra-nationalist politicians it was hailed, by reason of such British privileges as were to survive, as a mere continuance of 'slavery'. The Prime Minister decided upon a general election to strengthen his Ministry's position and to determine, at least ostensibly, the nation's attitude. The Nationalist Party, not content with an attempted boycott of the elections,

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

and the fullest activity of their press articles, hand-bills, and oratory, did not hesitate to invoke the authority of the Shi'i Mujtahids in condemnation of the new Treaty. These, however, declined for once to intervene, except partially at Samarrā, and the elections were peacefully conducted in the districts; only at Sulaymaniya a major clash between violent demonstrators and the police resulted in bloodshed and the loss of a score of lives. All results were known by the end of October 1930, and showed a sweeping victory of the Government party. The ratification of the Treaty by Parliament, which met as usual on 1 November, could not now be prevented by the fierce denunciations of die-hard patriots; the voting was in favour by 69 against 13 in the Chamber, 11 against 5 in the Senate.

But much remained to be done, both in Baghdad and in Geneva. Parliament sat on, immersed in legislation and in vehement politics, until the midsummer of 1931. The opposition to the Sa'idi Ministry had by that time been reorganized in a grouping more formidable than the isolated Nationalist Party which, thanks to the usual control exercised by the liwā officials, had made so poor a showing in the elections. Political leaders hostile to Nuri and, with reservations, to the Treaty—Yasin al-Hashimi, Naji al-Suwaydi, Rashid 'Ali al-Gaylani, and 'Ali Jawdat who had resigned from the Cabinet in September and been succeeded by Rustum Ḥaydar from the Palace—formed from the Nationalist and the People's Parties and like-thinking elements a Party of National Brotherhood—Ḥizb al-Ikhā al-Waṭani. At its inaugural meeting in March 1931 its objects were stated to include the dissolution of a flagrantly unrepresentative Parliament and the formation of a new Government 'pledged to reconsider the external relations of 'Iraq'. Certain of its members as a gesture thought fit to resign their seats in the Chamber; all resolved to pursue their campaign in the press and country. Nuri Pasha on his side had already formed, from deputies favourable to him, the 'Ahd (Covenant) Party, with an appeal to the great days of al-'Ahd and a programme of Treaty implementation.

Among the first acts of the Ikhā was the organization in July 1931 of a series of strikes in the 'Iraq townships without precedent for their concerted timing and wide extent. They had little object but the embarrassment of Government. The trades' organizations in the bazaars took fright—or were maliciously alarmed—at a clause in the newly passed Municipal Taxation Law which could be read as unfavourable to them. The misunderstanding, which was easily elucidated by Government, was encouraged to persist, and it was not until late in July, after attempts had been made to spread unrest to northern 'Iraq, and disorder in Baṣra and the

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

642 therefore, nor to any Western observer did it occur in 1920 not to install the forms of government both familiar at home and seemingly demanded in 'Iraq. Nevertheless, this most exacting of constitutional forms was now seen to be acclimatizing itself in 'Iraq with difficulty and with mixed immediate results. If it is true that the virtues of the system are everywhere appreciated, and no better alternative has been discovered by the modern world, yet, to be in fact representative and democratic, it demands certain conditions.
181 Did these exist in 'Iraq? There was, certainly, a long Arab tradi-
665 tion of tribesmen's democracy and easy access to rulers. Free
204 speech, a vigorous and copious press, busy parties, 'demonstrations' in every street and school: all these could be claimed as democratic features of Baghdad life. But with what truth? The press was ill informed, irresponsible, rabidly partisan, crudely xenophobe. The demonstrations were organized, easily and cheaply, at any politician's direction. The parties were, so far, mere cliques of personalities, without continuity or breadth of organization or any consistent policy unless that of mere Anglophobia. Freedom of speech was allowed to extreme, rarely to moderate, views; violence or boycott awaited the exponent of any policy, however wise or sincere, if it seemed to fail in nationalist fervour. It was indeed doubtful whether one educated 'Iraqi in a hundred conceived society on truly democratic lines or, given power, would have wished so to organize it. Their nature was individualistic and insubordinate, their tradition authoritarian, and the conditions in
648 their society inimical to democracy. The representatives in the
666 Chamber itself were in fact selected less by the votes of an instructed electorate, which did not exist, than by the nomination of the Cabinet in power; the list conveyed to the Mutaṣarrifs as that of Government-sponsored candidates was, with infrequent exceptions, that of the Deputies.

642 It resulted that in 1932 the Government of 'Iraq consisted of
662 a façade of democratic forms behind which, emerging from the stresses, strains, and violences of faction and egoism, operated the actual power of a small ruling class: a class which contained on the one hand more than enough figures capable of filling the ministerial posts available, but on the other too little variety of viewpoint to compete for power by the advocacy of genuinely alternative programmes. The result was an uneasy shuffle of offices, short-lived Cabinets with a brief innings for everybody, and the fortunes of Ministries dependent not on the attitude of representative Deputies capable of a gesture of dismissal, but on personal faction behind their backs. It was already clear that if ever the only authoritative hand not involved in these uneasy intrigues should be removed—that of the King—there would be opportunity, or almost inevita-

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

645 new Ministry, formed early in November 1932, was viewed without enthusiasm by the moderates and with disdain by the Ikhā. Its programme, the usual list of impeccable and largely unrealizable objectives, did little to consolidate it; and Naji Shawkat decided to provide it with greater parliamentary support by a general election. The 'Ahd Party of Nuri Sa'id was allowed to die.

666 The elections, boycotted in vain by Abu al-Timman's party, produced a reasonably representative Chamber willing to support Naji's Government; and this in turn was prepared to exchange its provisional character for one of permanence. But the opening of the Extraordinary Session of Parliament on 3 March 1933 revealed it as evocative of small enthusiasm, exposed to strong Ikhā attacks, and unadapted to meet the King's desire for an all-party Ministry which should include all his outstanding statesmen. Naji Shawkat, pleading ill-health, resigned.

645 661 The formation of a Government under Rashid 'Āli, in the presence of a Chamber just elected with an anti-Ikhā majority, well illustrated the paradoxical but habitual relationship between 'Iraqi Cabinets and Parliament. The rank and file of the Deputies, elected as supporters of White, would complacently sustain Black; their seats rather than any body of principles were at stake. Rashid 'Āli began by demanding freedom to move for Treaty revision, but was persuaded by the King—who used, it was said, the threat of abdication itself—to renounce this; and on 20 March 1933 he announced a Cabinet which, with himself as Premier, included Yasin Pasha in the Ministry of Finance, Ḥikmat Sulayman in that of Interior, Nuri Sa'id in Foreign Affairs, Rustum Ḥaydar in Works, Jalal Baban in Defence, 'Abbas Mahdi in Education, and a lawyer new to ministerial rank, Muḥammad Zaki al-Baṣri, in Justice.

645 668 The new Government, hailed as one of genuine national co-operation and quick to publish an admirable programme of reform, had nevertheless lost the support of the nationalists by its weakening on the Treaty issue. A manifesto issued by these in June denounced the Government, and signs appeared that this resentment, in the dangerous councils of Najf and the Euphrates, could take a sectarian colouring and, by insistence on Shi'i demands, could represent a menace to security; once again a single element in the State was not unwilling to invoke tribal violence to coerce a newly established Government of National Unity. The tragic events of August 1933 were, however, to save the Ikhā Government from this danger by temporarily uniting all 'Iraq in their favour as saviours of the nation.

643 The King, invited to England on a well-timed State visit, left his son the Amir Ghazi, now aged twenty-one, as Regent. He

1: Longrigg G-4, 8 (ca. 1915-1940) MH Iraq MH

passage of a law authorizing conscription, at long last, was received with seeming indifference. 645*

Late in August Madfa'i offered his resignation. The Chief of the Royal Diwan, 'Ali Jawdat, whose favourable position to influence the King and to arrange suitable alliances had not been neglected, himself accepted the premiership and the Ministry of the Interior on 28 August. His place in the Palace was taken by Rustum Ḥaydar. Nuri Sa'id re-entered the Cabinet in the Ministry of Foreign Affairs, and Madfa'i in that of Defence. To the Ministry of Works came Arshad al-'Umari, a Turkish-trained civil engineer of the famous Mosul family, to Finance the Christian economist, Yusif Ghanima, and to Education 'Abd al-Ḥusayn al-Chalabi.

The first act of 'Ali Jawdat was to dissolve Parliament—a step doubtfully constitutional and condemned by the Ikhā, but necessary to secure parliamentary support. He went to lengths unusual even in 'Iraq, it was claimed by his opponents, in instructing the liwā officials on the personalities to be returned to the Chamber. The resulting Parliament met in the first week of 1934. Packed with the Premier's nominees, it was unrepresentative of the Ikhā opposition, poor in tribal spokesmen, and proportionately unjust to the Shi'is; nor did 'Ali Jawdat's initiative in founding a Party of National Unity, which barely attained life before expiring, produce the desired co-operation. The election procedure was strongly criticized in the Chamber of Deputies; the Senate opposed the régime to the extent of absenting themselves from their House; Baghdad political circles raged at their own exclusion and at the many illegalities alleged; hostile posters and pamphlets appeared on walls and in coffee-shops. All administrative shortcomings were once again, and unreasonably, attributed to the Prime Minister. The Cabinet itself was unhappy, Madfa'i and 'Umari were felt to be doubtfully loyal, Yusif Ghanima a political nonentity. Far more sinister, however, was the stream of subversive propaganda which poured insistently from the capital, inciting tribesmen to emotions bound to end in anti-Government violence. It was understood to emanate from a group of opposition statesmen, bitter in their frustration and led by Ḥikmat Sulayman. The propaganda was addressed to potentially malcontent Kurds in the far north, and more regularly to the Najf-dominated tribes of the Euphrates, where such shaykhly politicians as 'Abd al-Waḥid al-Ḥajj Sikr of the Fatla had been unwisely excluded from Parliament and had everything, private and public, to hope from a change of Government. With 'Abd al-Waḥid were men of similar stamp, Sayid Muḥsin abu al-Ṭabikh, 'Alwan al-Yasiri, and others. Simultaneously, and by reaction against the claim of these to leadership, another half of the tribal world, not less unquiet and

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X

END OF THE HALF-CENTURY

I. GATHERING STORM

*645 THE resignation of the Pachachi Government was followed by a month of uneasiness while the choice of a successor Cabinet was delayed. Despite the alleged misgivings of the Regent, the premiership fell on 23 February 1946 to Tawfiq al-Suwaydi, a statesman whose many gifts did not include that of creating confidence. He retained the portfolio of Foreign Affairs, brought the able and vigorous 'Ali Mumtaz to Works, General Isma'il Namiq to Defence, 'Umar Nadhmi to Justice, and Aḥmad Mukhtar Baban to Social Affairs. To the three all-important Ministries of Interior, Finance, and Supply he appointed respectively Sa'd Ṣaliḥ, a Shi'i ex-Mutaṣarrif hostile to Ṣaliḥ Jabr: 'Abd al-Wahhab Maḥmud, a Baṣra lawyer with a stormy political past: and another Shi'i, 'Abd al-Jabbar al-Chalabi, of American education and unusual ability. Two more newcomers assumed duty at the Ministries of Economics and Education: 'Abd al-Hadi al-Dhahir—a third Shi'i and ex-official—and Najib al-Rawi. The composition of this Cabinet was modified in April by the substitution of Dr. Shawkat al-Zahawi, a Kurdish pathologist, for Baban at Social Affairs; and, in the last days of its short life, by the move of 'Ali Mumtaz to Foreign Affairs and Chalabi to Works.

652 Inspired by liberal views, the Ministry started with fair hopes. Although, surprisingly, no budget for 1946–7 was submitted, the State finances were still treated as giving no cause for immediate alarm. The 'hard currency' agreement made with the British in 1945 was renewed for a year, and a British trade mission under [666] Lord Davidson was welcomed in Baghdad. The new Electoral Law long under preparation was passed; substantially improving and liberalizing the existing procedures, it provided for the giving of due notice and publicity to forthcoming elections and to the candidates who offered themselves, and for the fragmentation of liwās into constituencies which would produce 138 instead of 115 deputies. It did not, however, introduce direct one-stage election, for which the Opposition parties combined to press as likely to be 'freer'. The Liwā Administration Law, passed in February, gave promise of greater zeal and initiative in local government, and of independent action in case of disorder.

668 Countryside security was well maintained. Winter passed into spring without the appearance of the expected trouble in Kurdistan,

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CHAPTER IX

THE PLEBISCITE OF 1918-1919

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In obtaining 'the views held by the local population',[1] the Acting High Commissioner believed that the extension of the plebiscite to the rank and file of the inhabitants was both impracticable and unnecessary. The masses were too illiterate, too ignorant and dependent on their leaders to merit consideration. The garden cultivators and date growers of the Tigris and the Euphrates, the orange growers of Ba'qūbā, the shepherds of the Dulaim, the rice cultivators of Dīwānīya and Shāmīya, the marsh dwellers of 'Amāra and Qurna, the tribesmen throughout the land and the townsmen of little substance were regarded as having neither opinions of their own nor ability to form them other than as echoes at the behest of their religious and secular leaders. The attention of the Civil Administration was therefore directed to those elements of the population who by position and by character were presumed to be favourable to continued British control, and whose opinions might be put forward as representative.

In the tribal districts and in small towns the plebiscite was confined to the shaikhs and land-owning dignitaries, called together in assemblies where they gave their declarations under their seals and signatures. Among the shaikhs, dependent on the British for support of their position,[2] for possession of their lands, as at 'Amāra, or for their highly-prized subsidies,[3] and

[1] Telegram, S/S for India to Political, Baghdad, November 29th, 1918. Cited, *supra*, p. 161.

[2] During the troubles of 1920, many shaikhs were forced into the towns, as they had no power to maintain themselves otherwise over their tribes.

[3] As in Dīwānīya Division, where every shaikh until 1920 received a subsidy from the Civil Administration.

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with whom the British Political Officers were usually on terms of friendship, the declarations or *madhibat* were almost unanimous for continued British rule. At a *majlis* in 'Amāra, at which the Acting Civil Commissioner was himself present,[1] the shaikhs declared that they desired 'Englishmen speaking Arabic' and that they would not accept French, American or Arab officials. They requested that Sir Percy Cox become the governor of 'Iraq. In conclusion they asked that no higher offers for their lands be entertained and that they be protected in possession thereof as long as they were loyal to the Government.[2] The Qurna shaikhs replied in much the same vein.[3]

In Nāsiriya, a declaration or *madhbata*, signed by 271 tribal shaikhs, town notables and others, implied the continuance of the British administration; rejected the idea of an Amīr as not coinciding 'with our interests nor with the interests of 'Iraq in general';[4] and also requested that the management of their affairs should be undertaken by Sir Percy Cox.

The tribal shaikhs of Dīwānīya and of the Hilla Division in their declarations approved of continued British control. The former thanked the British Government for its desire to give them an Amīr which they agreed was in accordance with common sense and the dictates of their religion which enjoined them to appoint an *Imām*. They considered it premature, however, not only because of their own lack of experience in affairs, but also because no man seemed suitable for the office.[5] The tribal shaikhs around Karbalā, in which city the acute hostility of the *Mujtahids* made the suspension of inquiries desirable in accordance with the Acting Civil Commissioner's instructions, also declared for British administration and for Sir Percy Cox.[6] From Kūt al-'Amāra, Musaiyib and Khānaqīn

[1] *Monthly Reports, December*, 1918: 'Amāra, p. 7.
[2] *Self-Determination in 'Iraq* (Secret compilation of Declarations in Arabic, with English translations) (Baghdad, May 17th, 1919): 'Amāra Declaration, p. 8.
[3] Ibid., Sec. 2, Qurna Declaration, p. 7.
[4] Ibid., Nāsiriya Declaration, p. 11.
[5] *Self-Determination*: Section 8, Hilla Declaration, No. 4 (Dīwānīya), p. 17.
[6] Ibid., Section 8, Hilla Declaration, No. 5, p. 18.

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came similar pronouncements[1] of approval of British rule and requests for British officers.

In larger centres, as in Basra, individuals of importance were interviewed personally by the Acting Civil Commissioner and by the Political Officers.[2] At Basra, where most of the dignitaries so interviewed were landowners or had benefited personally by the British Occupation, the majority of the declarations were for British Control.[3] In Mōsul, the ten declarations[4] taken from representatives of religious communities, seven of them from non-Muslim groups,[5] asked for British rule directly or for British protection. Two of the Muslim groups, Kurds, asserted that they would never live under Arab rule, as did also the Yazīdīs of Jabal Sinjar. The other Muslim declaration, representative of nearly 65,000 Muslims of Mōsul city[6] and about 100,000 non-Kurdish Muslims of the wilayet, also asked for British protection.[7]

In other districts, notably the Holy Cities, Najaf, Karbalā and Kādhimain, and in Baghdad, the course of the plebiscite did not run so smoothly nor were the pronouncements so favourable. In Najaf, 'the subject passed through three stages as far as the Government officials responsible for conducting it were concerned. At first sight, it appeared to present no great

[1] *Self-Determination*: Section 4, Kūt Declarations, pp. 9-10; Section 8, Hilla Declaration No. 3 (Musaiyib), p. 16; Section 10, Khānaqīn Declaration No. 1, p. 20.

[2] *Monthly Reports, December*, 1918: Basra, p. 10; Hilla, p. 14.

[3] *Self-Determination*: Section 1, Basra Declarations, pp. 1-5.

[4] Ibid., Section 14, Mōsul Declarations, pp. 15-28.

[5] Representing 18·3 per cent of the total population of the wilayet, according to the official estimates of 1918-19, which gave the figures for Mōsul Wilayet, excluding Kirkūk, as:

Muslims:		Non-Muslims:	
Sunnis	425,813	Christians	55,370
Shī'is	22,100	Jews	13,835
		Others	31,180
Total	447,913	Total	100,385

[6] *Report, Civil Administration of Mesopotamia*, 1919, *Part I, Mosul* (Calcutta, 1920), p. 28, estimated the population of the city at 80,000, of which four-fifths were Muslims, the remainder being Christians, with a negligible number of Jews.

[7] *Self-Determination*: Section 14, Mōsul Declaration, No. 2, p. 26.

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difficulty'.[1] The Acting Civil Commissioner, realizing the strategic importance of Najaf, appeared before the *'Ashrāf*, representing the divines and tribal shaikhs, and explained to them that their opinion was to be asked on three questions. The gathering was unanimously in favour of British protection from Mōsul to the Gulf without an Amīr. Two days later, however, a Shī'ī of some local reputation came from Baghdad to Najaf and persuaded the dignitaries not to send the original petition.[2] On learning of the difficulty, the authorities got in touch with the leading notables including Saiyid Kādhim Yazdī, with whose help 'the matter was brought to a successful conclusion',[3] a series of fourteen declarations from individuals and groups being secured.[4] Some of these asked for a British Protectorate and an Amīr when the country should be ready for him. Several asked outright, however, for an Arab Government with an Amīr, no mention whatever being made of Great Britain.

In the city of Karbalā, the religious leaders or *Mujtahids* issued a decree or *fatwā* that any person who desired other than a Muslim government was an infidel. Under this pronouncement the people of the town hesitated. When they did make a declaration,

> their opinions were not in accordance with those taken by the Najafis. Fortunately, in Najaf the step had been irrevocably taken, and there could be no turning back. The double effect was that in Karbala no progress was made and the opinion formulated was never expressed officially, while in Najaf the discussion was closed beyond reopening.[5]

In Kādhimain, anti-British feeling ran high. 'The *'Ulamā* threatened with excommunication and exclusion from the

[1] *Admin. Report, Shamiyah Division*, 1919 (Baghdad, 1920), p. 30.
[2] *Memorandum on Self-Determination in Mesopotamia* (Secret Memorandum No. S24, by Miss G. L. Bell, February 22, 1919), p. 3. An abridged version appears in Wilson, Sir A. T.: *Mesopotamia*, 1917-1920, App. 3.
[3] *Admin. Report, Shamiyah*, 1919, p. 30.
[4] *Self-Determination*: Section 7, Shāmīya Declarations, pp. 14-15.
[5] *Admin. Report, Shamiyah*, 1919, p. 30.

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mosque anyone who voted for British Occupation.'[1] A group of inhabitants, however, was found which drew up a declaration in which the question of protection was left until after the Peace Conference.[2]

In Baghdad, the centre of anti-British agitation, the difficulties facing the Civil Administration were even greater than elsewhere. The plan of delaying the plebiscite in Baghdad to the last in the hope, as expressed in the instructions to the Political Officers, that favourable declarations in other districts might influence Baghdad opinion, would not, it was soon apparent, produce the desired results. The inhabitants of the city, more politically minded and less inarticulate than other sections of the country, would not be influenced or even controlled as in other towns or in the tribal areas.

The attempt to convene an assembly of local dignitaries, carefully selected by persons believed to be favourably inclined to British rule, also failed. The Acting Civil Commissioner had proposed that the twenty-five Sunnī delegates should be selected by the Sunnī *Qādhī*.[3] Similarly, the twenty-five Shī'a representatives were to be chosen by the Shī'a *Qādhī*, 'a creation of the British Administration, no Shī'a *Qādhī* having been recognized by the Turks . . . a weak and colourless individual whose self-effacing piety' was his 'best recommendation'.[4] The heads of the Christian communities were to nominate the Christian delegates, and the Grand Rabbi, the Jewish representatives.

[1] *Memo. on Self-Determination in Mesopotamia*, p. 4.

[2] *Self-Determination*: Section 13, Baghdad Declaration, No. 8 (Kādhimain). A translation of the declaration, indicative of the trend of opinion in the Holy Cities, is as follows:

'In accordance with the liberty conferred on us by the Great Powers, the principal of which are the two esteemed Governments of Great Britain and France, we, being of the local Arab nation, choose a new Muslim Arab Government to be ruled by a Muhammadan King, one of the sons of our Lord the Sharīf, bound by a local *majlis*, and the question of protection will be considered after the Peace Conference. Dated 5th Rab'ath Thāni, 1337.' (Signed by 143 Muhammadan residents of Kādhimain.)

[3] The Naqīb, although asked to act with the *Qādhī*, had refused.

[4] *Memo. on Self-Determination in Mesopotamia*, p. 4.

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PLEBISCITE OF 1918-1919

In the selection of the Muslim delegates, on whom the character of the declarations of Baghdad opinion would depend,[1] the *Qādhīs*, 'either by intent or under religious or political pressure, did not execute their task loyally'.[2] Instead of selecting representatives, they called 'meetings of their communities for the purpose of selection. At both gatherings, extremely inflammatory language was used and the delegates chosen were bound down to ask for an Arab Government without European protection'.[3] Not all the Muslims so chosen would serve, however. Seven Sunnīs and one Shī'ī resigned and were replaced by five Sunnīs. The group, with whom the Christians and the Jews would not act, passed on January 22nd, 1919, a declaration of which the following is a translation:

> As it has been understood that the object of the Governments of Great Britain and France in the East is the liberation of the people and the constitution of local Governments and administration founded on a practical basis, according to the wishes of the inhabitants, we being of the Muslim Arab nation and representing the Muslims of the Shī'a and Sunnī Communities inhabiting Baghdad and its suburbs, resolve that the country extending from northern Mōsul to the Persian Gulf to be one Arab State, headed by a Muhammadan King, one of the sons of our Sharīf Husain, bound by a local Legislative Council sitting at Baghdad, the capital of 'Iraq.[4]

The anti-British declaration of the Muslim delegates may well have been a disappointment to the Civil Administration. The vehemence of the group, however, brought about a reaction among the landowners and the more sober-minded notables who, responding to the suggestions judiciously thrown out by

[1] If friendly Muslim magnates were chosen as intended, the Assembly would almost surely give the desired declaration since the non-Muslims were known to be standing solidly for continued British rule.

[2] *Review C. Admin.*, 1914-1920, p. 128.

[3] *Memo. on Self-Determination in Mesopotamia*, p. 5; Telegram, No. 1077, Political, Baghdad, to S/S for India, January 26th, 1919.

[4] *Self-Determination*: Section 13, Baghdad Declaration, No. 2, p. 23.

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members of the Civil Administration, readily brought in declarations formulated along the desired lines.[1]

Ostensibly the results of the plebiscite confirmed the views put forward by the Acting Civil Commissioner to H.M. Government. An almost universal desire that Mōsul should be included in the new State had been expressed.[2] Notables, both individually and collectively, of seven Divisions[3] had indicated a desire for British administration without substantial changes. A majority of declarations in five Divisions had manifested a desire for an Arab Government but, as the Acting Civil Commissioner had predicted, admissions were made that no suitable person could be found and that consequently British protection was desirable. Two Divisions had specifically declared against a son of the Sharīf of Mecca. The Acting Civil Commissioner's suggestion of Sir Percy Cox as head of the new State[4] had been supported by declarations from four Divisions.[5] The three declarations which had declared for an Arab Government with a son of the Sharīf as ruler[6] were discounted as being the opinion of irresponsible and fanatical elements aroused by Nationalists and by ex-Turkish malcontents.[7]

In reality, it seems certain that while the greater portion of public opinion at that moment, on the simple issue of con-

[1] *Self-Determination*: Section 13, Baghdad Declaration, Nos. 1, 3-9, pp. 23-5.

[2] The Nāsirīya Declaration (*Self-Determination*: Section 5, Declaration No. 5, p. 11) stated the common belief:

'Ever since our boyhood we have been hearing that 'Iraq is composed of these wilayets: Basra, Baghdad, and Mōsul, which as a whole are called 'Iraq. Their capital has always been Baghdad. Anyhow, Mōsul is attached to Baghdad, as Baghdad is watered by Mōsul and Mōsul gets food from Baghdad by the sea trade. We, therefore, can never agree that the 'Iraq country should be detached from the Mōsul Wilayet.

'In the beginning of Islām, when war was waged between 'Alī and Mu'awīyah, Syria and its dependencies were under Mu'awīyah, while 'Iraq, along with Mōsul, was controlled by 'Alī. This is a sufficient reason.'

[3] 'Amāra, Qurna, Mōsul, Kūt, Basra, Hilla and Khānaqīn.

[4] Telegram No. 10250, Political, Baghdad, to S/S for India, November 24th, 1918, cited *supra*, pp. 159-160.

[5] 'Amara, Nāsirīya, Karbalā and Baghdad (two).

[6] *Self-Determination*: Section 13, Baghdad No. 2, p. 23 and Kādhimain (Baghdad No. 8), p. 25; Section 9, Ba'qūbā (town), No. 3, p. 19.

[7] *Memo. on Self-Determination in Mesopotamia.*

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tinuance of British Occupation, was in favour of such rule, either direct or in support of an Arab Government, the picture was not so definitely clear-cut; public opinion was not so one-sided; nor was pro-British sentiment so preponderant as the declaration and the reports forwarded to the India Office might seem to indicate. The instructions issued by the Acting Civil Commissioner, the method of selecting those who signed the declarations, the personal interviews conducted by the Acting Civil Commissioner and by the Political Officers and the safeguards adopted so that none but favourable views might be registered, precluded a 'genuine expression of local opinion' in 'Iraq from ever finding its way to H.M. Government, unless the local opinion were satisfactory to the Civil Administration itself. The knowledge that all statements of opinion with signatures and seals would be forwarded to the Government by the Political Officers in accordance with instructions, made it certain from the beginning that most notables both tribal and urban, in order to keep themselves in the good books of the *Hakūma* or Government would make the protestations of loyalty and devotion which the British authorities so manifestly desired.

Not all of the measures taken to ensure favourable declarations were so indirect. Seven Arabs were deported from Baghdad for their activities in connection with the plebiscite. The declaration of the chosen representatives of the Baghdad Muslims, far from being accepted as the official declaration as originally intended, was dismissed as being unrepresentative of the politically and economically important inhabitants of Baghdad.[1] The opinion formulated by the city of Karbalā, the second most important of the Holy Cities of 'Iraq, was 'never expressed officially',[2] on account of the opposition to British rule which it contained. No declaration was obtained from

[1] *Memo. on Self-Determination in Mesopotamia*, p. 6.
[2] *Admin. Report, Shamiyah*, 1919, p. 30. Cf. *Admin. Report, Hillah Division*, 1919 (Baghdad, 1920), p. 17.

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Sāmarrā, the fourth of the Holy Cities. No declarations were taken in the Dulaim Division, either from the tribes or from Fallūja, Ramādī or other towns. One declaration signed by twenty Muslims represented 160,000 Arab Muslims of Mōsul Wilayet. Official pressure had to be brought to bear in Najaf[1] before its notables produced satisfactory declarations.

The plebiscite as 'an authoritative statement of the views held by the local population',[2] also failed to indicate the elements of opposition in the country and to reveal their relative strength. It gave no hint, for instance, of the large section of opinion, particularly strong in Basra,[3] which, while recognizing the benefits and the increased prosperity of British rule, found the constant growth of the military machine, including ports, camps and depots; the continuation of military regulations; the maintenance of demands for forced labour and the very efficiency of the administration with its insistence on promptness, probity and justice, too disturbing to their life-long habits of mind and of action and too much of a strain on their patience to be endured.[4]

The plebiscite gave no hint that the tribesmen, uncivilized, even barbarous, were already restive under the British tribal policy which gave the shaikhs relying on British support almost unlimited power over the details of tribal life, a power too often abused for the advancement of the shaikhs' own personal interests. It gave no inkling of such tribal feeling, which was to grow in intensity during the next eighteen months and which was to pave the way for the rebellion against both shaikhs and the British rule which maintained them in control.

The *Mujtahids* of the Shī'īs and the other religious dignitaries who, firm in their opposition to any but a theocratic Muslim State, would allow no idols other than of their own making,

[1] *Admin. Report, Shamiyah*, 1919, p. 30.
[2] See Telegram, cited *supra*, p. 161.
[3] See statement by the Rev. J. Van Ess, cited Wilson, op. cit., p. 112, confirmed to writer, in April, 1934.
[4] *Admin. Report, Shamiyah*, 1919, p. 1.

1 [Then 1918-19 – Analysis]

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were dismissed, although their power over the masses was enormous, as too ignorant of modern state-craft, too self-centred and too alien to be allowed to influence the creation of a new state.

The Nationalist elements, composed of those who had worked for Arab autonomy before the war, those who prided themselves on being the intelligentsia of 'Iraq, and the religious leaders, were brushed aside, although they were destined to grow in power and influence during the coming months, especially under the stimulus of Nationalism in Syria, as being too negligible, too irresponsible and too full of sound and fury to merit consideration. No inferences seem to have been drawn from the fact that the anti-British declarations, almost identical in tenor and phraseology, pointed to a carefully organized opposition, just as the close resemblance of many of the pro-British declarations indicated the care and attention which the Civil Administration had devoted to the conduct of the plebiscite.

The failure of the plebiscite to represent all these elements of current opinion in their relative importance and to reflect local opinion in its true proportions, was destined to mislead H.M. Government in its attempts to set up a new State satisfactory to the inhabitants of 'Iraq, and, by making it complacently unaware of the need for quick and decisive action in settling the future of the country, to prepare the ground for the disastrous events of 1920.

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INSTRUMENTS OF GOVERNMENT

The Electoral Law by which the Parliament (the powers of which had given the drafters of the Organic Law great concern) was to be brought into being, had early occupied the attention of British and 'Iraqī officials.

The draft law, as presented and passed by the Constituent Assembly,[1] provided for an indirect system of election in accordance with the Turkish model on which both it and the Constituent Assembly Election Regulations[2] had been based. Deputies, in accordance with Article 36 of the Constitution, were to be elected in the proportion of one to every 20,000 primary voters who, among other qualifications (Article 33), were to be every male 'Iraqī, 21 years of age, paying taxes to the Government. Additional deputies, representing the Christians and the Jews, were also to be elected in the *Liwās* of Mōsul, Baghdad and Basra, in the following numbers:

Mōsul *Liwā*	2 Christians, 1 Jew.
Baghdad *Liwā*	1 Christian, 2 Jews.
Basra *Liwā*	1 Christian, 1 Jew.[3]

Primary electors, inscribed in registers by the electoral authorities of their electoral districts, into which the country had been divided, were to elect by secret ballot (Chapter I) the secondary electors in proportion of one to every 250 primary voters (Article 7). The secondary electors, assembling at the headquarters of their district, were to elect the deputies who, in addition to the qualifications enumerated in Articles 30 and 42 of the Constitution, had to reside within the electoral circle for which they were elected (Article 8).[4] To provide for by-elections, the secondary electors were to retain their office from one election until the next, and were to reconvene whenever called upon to elect a new deputy (Article 42).

[1] *Infra*, Ch. XXI. Text: *Compilation*, 1924, pp. 45-51.
[2] *Compilation*, 1923, pp. 34-42, 47, 83, 157.
[3] Article 6.
[4] First circle: *Liwās* of Mōsul, Kirkūk, Sulaimānīya and 'Arbīl. Second circle: *Liwās* of Baghdad, Diyālā, Dulaim, Hilla, Karbalā, Kūt and Dīwāniyā. Third circle: *Liwās* of Muntafiq, 'Amarā and Basra.

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642* Each step in the preparation of the registers, in the election 646 procedure, and in the certifying of deputies was minutely 666 prescribed by the law, penalties being laid down in accordance with modern practice for every possible contravention of the regulations.

642* The actual setting up of Parliament and the institution of the constitutional system were to await the ratification and the promulgation of the Organic Law and the Electoral Law. Nevertheless, in the two laws, through the efforts of their drafters, ample provision had been made along liberal lines, with the exception perhaps of the articles imposed in the interests of British policy, for the machinery and paraphernalia of a modern democratic State: a Sovereign, limited by law, a Council of Ministers responsible to Parliament, a Parliament consisting of a Senate and a representative Chamber of Deputies, and Judicial, Financial and Administrative systems. Provision had been made for the regulation of each institution. An outline had been provided into which further developments could be fitted in conformity with law as new circumstances made them essential. Comprehensive safeguards had been imposed for the rights of all sections of the population. Whether the machinery, the outlines and the safeguards so provided, however, were to be equal to the task of regenerating the country, to the progressive development of the new Kingdom and to the assurance of justice and equity to each member of the State, regardless of 'language, race or creed',[1] or whether they were to remain, as their Turkish prototypes had often remained, paper principles, depended on future circumstances, on the spirit and on the efficient zeal with which they were to be applied.

[1] Constitution, Article 6.

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CHAPTER XXI

THE WORK OF THE CONSTITUENT ASSEMBLY

Convocation of the Constituent Assembly

No subject, other than the employment of foreigners in government posts and the general anti-Mandate propaganda occupied more attention in the Arabic Press from 1920 onwards than the demand for the convocation of the promised Constituent Assembly in order that it might express the wishes of the country concerning its future Government. When, however, the *'Irāda* ordering the elections to the Constituent Assembly to begin on October 24th was issued, October 19th, 1922,[1] after a delay of nearly two years, it met with a far different response than had been anticipated. The Nationalists and the Shī'a *'Ulamā* united in opposition to its application. The *'Ulamā* of Najaf and of Kādhimain, including Shaikh Madhī al-Khālisī who had been among the Nationalists calling most loudly for the Constituent Assembly, were induced to issue *fatwās* in early November, forbidding any participation in the election.[2]

The immediate effect of the *fatwās* was to bring the elections to a standstill in Shī'a centres. In Najaf, Karbalā, Hilla and Kūfa, the Electoral Committees resigned. In Kādhimain, the officials declared themselves unable to form Election committees.[3] In Dulaim *Liwā*, however, the *fatwās* had no effect,

[1] *Compilation*, 1920-1923, p. 82.

[2] The *fatwās* issued collectively by the *'Ulamā* of Najaf and Kādhimain, November 8th, were followed by others by individual *'Ulamā*. A translation of one of the latter is as follows:

'Yes, we have issued the order to prohibit the elections by the whole 'Iraqi nation.

'That whoever participates or gives assistance in them will disobey God and His Prophet. God has said in His glorious book that whoever disobeys God and His Prophet, fire shall be his lot. (*sd.*) Muhammad Mahdī al-Khālisī.'

[3] *Baghdad Times*, November 25th, 1922.

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but there, as in other tribal districts, little interest was taken in the elections until wider tribal representation was provided[1] at the insistence of the Residency which relied on its long-standing influence among the paramount Shaikhs to obtain their support in the Assembly. In addition, a large section of the public was reluctant to register, fearing that the election rolls would be used for conscription.[2]

Every effort was made to conciliate the *'Ulamā* but without success, the *fatwās* being reissued in June, 1923. It was maintained in British official circles that the only remedy lay in vigorous action against the leaders themselves. Only by their suppression would the opportunity be afforded of intimidating the rank and file to the extent that the elections could be continued without further active opposition. The Prime Minister favoured this policy, but King Faisal continued to hope for conciliation by other methods. When, however, collisions occurred on June 21st, between the police and the inhabitants of Kādhimain over the posting of *fatwās* at the door of the mosque and when demonstrations were subsequently organized against the Government in which Shaikh Mahdī al-Khālisī and his family took a prominent part, the Ministers, urged by their Advisers, felt it necessary to take strong action to vindicate the authority of the Government. Armed with an Ordinance, passed on June 9th, giving power to the Government to deport non-'Iraqīs for political offences, the Council ordered with the reluctant concurrence of H.M. the King, then visiting Basra,[3] the arrest and deportation of Shaikh Mahdī al-Khālisī, his sons Hasan and 'Alī, and his nephew, all Persian subjects. A demonstration of protest was immediately organized by the religious leaders of Najaf, a group of nine important *'Ulamā*, also Persian

[1] By means of a liberal interpretation of Article III (*a*) of the Election Regulations by the Ministers, in late August, 1923.

[2] *Al-'Iraq*, December 2nd, 4th, 1922.

[3] Official *Communiqué*, *Al-Istiqlāl* and *Al-'Iraq*, June 25th, 1923, *Al-'Āsima*, June 27th, 1923. The Arabic Press generally approved of the deportations: *Al-'Iraq*, June 27th, 30th; *Al-'Āsima*, June 27th; July 2nd, 4th; *Al-Istiqlāl*, June 25th, 1923.

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subjects, with twenty-five followers leaving for Persia as a gesture of their disapproval. The 'Iraq Government, although deprecating the action of these *'Ulamā*, gave them every facility to expedite their departure.[1]

The elections were renewed on July 12th.[2] Difficulties and delays, however, still remained, due to the refusal of the Shī'is to form Electoral Committees, to the undiminished fear of conscription and to the resignation of the Sa'dun Cabinet and the formation of Ja'far Pasha's Ministry. The change of Ministries, although disturbing at this juncture, provided an opportunity for conciliating the Shī'īs, which the King had been anxious to facilitate.[3] In spite of these difficulties, the registration of primary voters was concluded on December 16th; the secondary elections were completed on February 25th; and the elected representatives were summoned to Baghdad and given a great banquet by the King on March 4th.[4]

Ratification of the Treaty

In the presence of the High Commissioner and his staff, the Air Officer Commanding and a large audience, the King, in an eloquent speech from the Throne, opened the Assembly, March 27th, eighty-four representatives being present.[5] He rendered thanks to God for the successful conduct of affairs of State and for the opportunity he now had of opening the *Majlis* which was to lay the foundations of the State. He then urged the

[1] *Admin. Report*, 1923-1924, pp. 11-13.

[2] *Al-Istiqlāl*, July 13th, 1923.

[3] The new Cabinet was as follows: Prime Minister (without portfolio): Ja'far Pasha al-'Askarī; Interior: 'Alī Jaudat Beg; Defence: Nūrī Pasha as-Sa'id; Finance: Hājī Muhsin Chālabi ash-Shalash; Communications and Works: Sabih Beg; Justice: Shaikh Ahmad Effendi Fakhrī; Auqāf: Shaikh Salih Bash'ayan; Education: Muhammad Hasan abū Mūhaisin. For its programme, see *Al-'Iraq*, December 3rd, 1923.

[4] *Al-'Iraq*, March 5th, 1924.

[5] *Majmū'a madhākurātu' l-majlisu't-t'asīsī'l-'Irāqī* (Complete Proceedings of the 'Iraq Constituent Assembly, 2 vols., Baghdad, 1924), (hereafter Madhākurāt, Proceedings), 1st Session, p. 5; Bell, op. cit., p. 692; *Baghdad Times*, March 28th, 1924.

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PROGRESS OR RETROGRESSION?

Every Prime Minister in forming a Cabinet was faced with 643
the necessity of choosing Ministers compliant not only with the 645
High Commissioner's requirement that they 'deal sensibly with relations between Great Britain and 'Iraq' but also with His Majesty's personal wishes, likes and dislikes. It was generally recognized that Ja'far Pasha's first Cabinet, November 3rd, 1923, was composed of members in sympathy with the King's ideas and pledged to pass the Treaty of 1922. In January, 1928, 'Abdul Muhsin Beg, who had been suggested by the High Commissioner as the only available Minister capable of bringing about the ratification of the Treaty of 1927, formed his Cabinet with great difficulty owing to the King's secret opposition to a strong Ministry for reasons connected with the Treaty.

In the Parliamentary elections, the King, not uninfluenced 643
by lessons learned from the intractability of the Constituent 666
Assembly, likewise exerted his influence. He insisted in some cases, as in the elections of 1925, on the addition to the list of official candidates the names of men he particularly desired to see in the Chamber, and on the deletion of others which were not acceptable to him personally.

In the second elections, during the spring of 1928, his interference took a curious form. 'Abdul Muhsin Beg had come to office, pledged to secure ratification of the Treaty of 1927, on the condition that the Chamber be dissolved, a step approved by the High Commissioner, as the Opposition in the Chamber had been steadily growing. The Prime Minister's suggestion that the usual confidential letters be sent to the *Mutasarrifs* to ensure the return of deputies favourable to the Treaty, was opposed by the King. By permitting free elections, His Majesty hoped to bring an anti-Treaty Chamber into opposition with the Cabinet to prove to H.B.M. Government that, contrary to the High Commissioner's contention in late 1927,[1] the Treaty and the new Agreements were unacceptable to the people of 'Iraq.

In the parliamentary elections of 1930, the King, seeking a

[1] *Supra*, pp. 410-411.

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new Chamber which would not only ratify the new Treaty of 1930 without raising difficulties, but which would also contain Cabinet material on which he could ring Ministerial changes as he thought necessary, made his personal approval obligatory before candidates received government support.

In the conduct of general administration, however, the intervention of the King was as a rule well directed and in the interests of the country as a whole. To him has been ascribed the initiation of the Capital Development Works scheme,[1] whereby revenue from oil-concessions was earmarked for definite projects to facilitate the development of the country.[2] To him has been given the credit for the plans to settle the tribes on the land, and the development of residential amenities about Baghdad. In administrative appointments, his early inclination to find employment for those who had served him in western Arabia was never entirely overcome, but in general, as a result of his influence, more suitable appointments were made and without regard for religious distinctions. His broad outlook and his consideration for each community in proportion to its contribution to the welfare of 'Iraq enabled him to take a wider view of affairs than many of his Ministers and the majority of his subjects. It is a fact that although 'Iraqīs universally proclaimed their familiarity with democratic institutions from the time of the Ottoman regime, and boldly asserted their competence to run them, conditions in 'Iraq were far from ideal for the introduction of such institutions. No adequate class existed from which responsible and public-spirited officials could be drawn, nor was there a substantial body of literate and informed citizens with which to work the democratic institutions as provided in the Constitution.

An even greater obstacle was the lack of social consciousness

[1] By the Prime Minister, Nūrī Pasha, in a speech to the Chamber, May 31st, 1931.

[2] Cf. publication by the Department of Public Works, 'Iraq: *Budget Estimates for the Years* 1930 *and* 1931 *and Capital Development Works Budget for* 5 *Years* 1931-35.

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Complete support, however, of the country has yet to be won by the new Government. It must count on the opposition of the exiled 'Iraqis and of the adherents of the late Ja'far Pasha. It must count also on the potential opposition of all 'Iraqis who for motives of self-interest have kept a foot in both camps.[1] Its real test will come, therefore, in its inability to carry out its promises and to meet other problems which face the country: placating the shaikhs at the same time that the land is divided, applying conscription to the tribal areas, bringing Shī'is and Sunnis into harmony and of meeting the rising cost of living.

The Chamber of Deputies

The Chamber of Deputies, although a dignified body meeting regularly since its establishment in 1925 and conducting its deliberations as a rule with sobriety and moderation, has failed to take its full and rightful place in the political life of 'Iraq, as foreshadowed by the provisions of the Constitution. The failure seems directly due to its inability to command public confidence. The wave of scepticism as to the value of parliamentary institutions which recently swept over 'Iraq, in common with other countries with a more substantial democratic tradition, prepared the way for the present military dictatorship. The slow progress of 'Iraq as compared with that of Turkey and Persia under dictatorial regimes was conveniently explained away as being due to the democratic institutions. The critics pointed out that the parliamentary system of 'Iraq was adopted from foreign models and was unsuited to conditions and needs of 'Iraq. They indicated and with more reason that the elections to the Chamber, without exception, have been rigidly controlled by the Government, often under pressure from the Residency as in 1928 and 1930.[2] In all districts except Baghdad

[1] See Macdonald, A. D., *Euphrates Exile* (1936), pp. 53 ff. for a discussion of this characteristic in 'Iraqis.

[2] Principally because the Treaties of 1927 and of 1930 were to be ratified by the newly elected Chambers.

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where the electoral body is not so amenable to control as elsewhere, the confidential orders of the Government to the provincial officials proved sufficient to secure the election of its candidates whether they were residents of the district or even known there. Thus in 1925, all but four of the government candidates were returned, two of these being from Baghdad *Liwā*.[1] In 1928 the deputies returned from Basra, 'Amāra, Diyālā, Dulaim, Hilla and 'Arbīl *Liwās* were government nominees.[2] Of the thirteen Baghdad deputies, all but five were Government candidates. In these two elections, as well as in that of 1930, a number of Opposition candidates were conscientiously included by the Government on the principle advocated by the King that talented members of the Opposition would raise more difficulties outside Parliament from feelings of personal dissatisfaction than if they were actually members. Thus in 1928, half of the twenty-two Opposition members returned to the Chamber had been previously given the government coupon.

The deputies, on the other hand, by their proneness to consider parliamentary office as a means to personal aggrandisement, persistently refused the opportunity to win the respect and confidence of the nation. In 1925, it had been somewhat difficult to secure candidates to come forward. It soon became apparent, however, that deputyship meant an assured income and, even more attractive, the exercise of influence. In 'Iraq, as in other countries, the principal value attached to official position has been its effectiveness in securing official favours and financial gain.

Examination of the statute books of 'Iraq, not only from 1925 to 1932 but also to the present date, seems to suggest that the deputies have not failed to make free use of their position. Many of the financial measures granting remission of arrears in

[1] *Baghdad Times*, June 10th, 1925. These four, with five others, were, according to a confidential report of the time, accounted to be 'unsatisfactory from the British standpoint'.

[2] Cf. *Baghdad Times*, May 10th, 1928.

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645 The General's Cabinet dissolved all the political parties in-
666 cluding the Constitutional Union, but conceded the opposition
665 demand for single-stage elections. Elections, carried out in January 1953, were boycotted by all but one of the former opposition parties, including that of Salih Jabr, on the charge of governmental control. The resulting chamber naturally showed an enormous majority for Nuri as-Said, though neither the boycott nor the existence of martial law can greatly have affected the issue: the extreme parties had anyway no prospect of success and it would appear that the party of Salih Jabr, in spite of its alleged expectations, was already outmanœuvred. The Cabinet which was subsequently formed under Jamil [185] Midfai remained in power till September; it apparently abandoned and indeed reversed its predecessor's cautious [722] attempt at economic reform. With martial law in force for little short of a year, political activity and polemic was for the time being stilled; but the suppression of a riot and the election of a conservative Parliament have not altered the fundamentals of the situation. A new Cabinet was formed on 16 September by Dr Mohammed Fadhil Jamali, former President of the Chamber of Deputies; martial law was ended by royal decree on 8 October and political parties were permitted to resume their activities.

668 But urban unrest, inflamed by the increasing participation of students in politics, can be expected to continue and spread, eventually to the rural population as well, so long as the public believes that the economics and administration of the country are subjected to the interest of a ruling class and its supposed allies among Western imperialist Powers who, in its opinion, maintain the State of Israel and are likely to involve Iraq on their own side in a third world war. Much of the bitterness with which this belief is held springs from privation or the fear of it. Once substantial results appear from the new programme of development, and the public is made aware of them, a foundation will have been laid for political stability.

Government and Constitution

643 The King of Iraq is King Faisal II, son of King Ghazi and
642 grandson of King Faisal ibn Hussain. The legislative power is
646 vested with the King in Parliament. Parliament consists of the Senate and the Chamber of Deputies. Senators are appointed by the King from among those who 'by their acts have gained the confidence and trust of the people, and those who have an honourable past in the service of the Government and the country'. In number they may not exceed one-fourth of the

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IRAQ ELECTORAL LAW OF MAY 27, 1946[1]
LAW NO. 11 OF 1946

646 With the approval of the Senate and the Chamber of Deputies,
666 we hereby order the promulgation of the following Law:—

Chapter I—Qualifications and Establishments

Art. 1. Primary Elector: shall mean any person entitled to elect Secondary Electors.

Secondary Elector: shall mean any person entitled to elect Deputies.

Art. 2. Every male Iraqi who has completed his twentieth year and whose name is entered in the electoral registers as prescribed in Chapter II shall be considered a primary elector, excluding any male person who:—

Firstly: has been judged bankrupt and has not been legally rehabilitated.

Secondly: has had an order of inhibition passed against him by a Court which has not been released.

Thirdly: has been sentenced to imprisonment for a term not less than one year on account of a crime other than political, or has been sentenced to imprisonment on account of theft or bribery or any other crime absolutely affecting his honour, unless his forfeited rights are restored to him.

Fourthly: is a lunatic or is mentally defective.

Art. 3. Any person possessing the qualifications of a primary elector may be a secondary elector.

Art. 4. He shall not become a deputy:

(1) Who is not an Iraqi having acquired his Iraqi nationality by birth, or under the Treaty of Lausanne,[2] or by naturalization, provided that a naturalized person should belong to an Ottoman family which habitually resided in Iraq before 1914 and that 10 years should have elapsed over his naturalization.

[1] Arabic text in *Waqayi' al 'Iraqiya*, Baghdad, no. 2377, June 8, 1946. English translation taken *textually* from *Iraq Government Gazette*, Baghdad, January 5, 1947.

[2] See Turkey, Note on Treaties, p. 503 below.

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(2) Who is below his thirtieth year of age.

(3) Who has been judged bankrupt and has not been legally rehabilitated. 646 666

(4) Who has had an order of inhibition passed by a Court against him which has not been released.

(5) Who has been sentenced to imprisonment for a term not less than one year on account of a crime other than political, or has been sentenced to imprisonment on account of theft, bribery, breach of trust, forgery, fraud, or any other crime absolutely affecting his honour.

(6) Who holds a post or an appointment or is in the service of a person or an establishment under contract with a public department, or has any material interest, direct or indirect, with such contractor, unless such interest arises through his being a shareholder in a company composed of more than 25 persons, excepting lessees of Government lands and property.

(7) Who is a lunatic or is mentally defective.

(8) Who is related to the King up to the fifth degree.

Art. 5. (1). Electoral circles shall be set up in Qadhas on the basis of the number of males registered in census registers, and every Qadha containing a number of registered males not less than 15,000 and not exceeding 70,000 shall be considered an Electoral circle, provided that it shall be permissible to detach a part of such Quadha for the purpose of enforcing paragraph 2 of this article.

(2) If a Qadha contains less than 15,000 registered males, such a Qadha shall be amalgamated with a neighbouring Qadha to form an electoral circle containing a number of registered males not less than 20,000 and not exceeding 70,000. A Qadha may also be amalgamated with a part of a neighbouring Qadha for this purpose, provided that the number of the remaining registered males in the neighbouring Qadha is not less than 20,000.

(3) If the number of registered males exceeds 70,000 in a Qadha or a remaining part after the detachment of a part thereof for the purpose of the enforcement of paragraph 2 of this article, it shall be divided into 2 or more electoral circles each containing a number of registered males not less than 20,000 and not exceeding 70,000.

(4) If the number of registered males in an electoral circle does

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646 not exceed 30,000, one deputy shall be elected therein, if it exceeds
666 30,000 two deputies shall be elected, and if it exceeds 50,000 three deputies shall be elected.

(5) Every Nahiya or Mahallat shall be an Election Section, provided that it shall be permissible to join certain Mahallas in one section by a decision of the committee of inspection appointed under this Law. Should differences arise over the boundary of a section, the committee in question shall give a final decision thereon.

Art. 6. (1) The Minister of Interior should produce authenticated lists from the Directorate General of Census containing the number of registered males in every Qadha, Nahiya and Mahallat, and submit such lists to the President of the Chamber of Deputies, within *one month* from the date of the coming into force of this Law, together with his views concerning the manner of the enforcement of paragraphs 2 and 3 of Article 5 in such way as to ensure that the total number of deputies shall, as far as possible, be at the rate of one deputy to every 20,000 registered males in Iraq.

(2) The President of the Chamber of Deputies should pass the lists, together with the views of the Minister, to the Home Affairs Committee at the Chamber of Deputies, which after perusing the Minister's views, should draft the list of electoral circles and the number of deputies who should be elected in each circle.

(3) The President of the Chamber of Deputies should submit to the Chamber the list approved by the Committee and the Chamber should give a final decision thereon and publish it.

Art. 7. (1) The list will be reconsidered every fourth year in accordance with the procedures indicated herein above. It is, however, not permissible to issue a decision approving a new list except after the lapse of four years over the date of approval of the existing list.

(2) If the new list necessitates the addition of a number of seats in the Chamber, elections for such seats should be carried out immediately.

(3) If the new list necessitates the abolition of a number of seats in the Chamber, a deputy does not relinquish his appointment immediately but retains it until the termination of his membership, as indicated in the Organic Law.

Art. 8. (a) Should it be necessary to carry out elections before

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the publication of the first list proposed in accordance with Article 6 above, elections will be carried out on the basis of an interim list to be prepared by the Minister of Interior and approved by the Council of Ministers, and such list will be put into application until the publication of the former list.

(b) Until such time as a general census registration is carried out, election will be effected on the basis of the former electoral lists, subject to consideration being given to the alterations effected therein.

Art. 9. The Jewish and Christian minorities shall have the following number of deputies:—

	Jews	*Christians*
In the Qadha of Baghdad Liwa Hqrs.	3	2
In the Qadha of Basrah Liwa Hqrs.	2	1
In the Qadha of Mosul Liwa Hqrs.	1	3

This number shall be in addition to the number determined in Articles 5 and 6 which should be elected from the majority in proportion to the total number of males registered in the above-mentioned administrative units.

Art. 10. Secondary electors shall be elected at the rate of one secondary elector to every one hundred primary electors, on condition that a fraction of a hundred shall be dropped unless it exceeds 70.

Art. 11. All obligations coming within the competence of a judge in this Law shall be carried out by the Judge of the Civil Court found in the Electoral circle. If more than one judge existed in the court, the President of the Court of Cassation shall appoint one of its judges. In case no civil court exists in an electoral circle, the President of the Court of Cassation shall appoint a judge to carry out these obligations in the headquarters of the electoral circle.

Art. 12, All obligations imposed upon an administrative official in this law shall be carried out by the Qaimmaqam in a Qadha forming an electoral circle or by the Mutasarrif if the Qadha was a Liwa headquarters. If, however, the electoral circle had no Qadha headquarters, the Minister of Interior will determine the circle's headquarters and the administrative official. In regard to sections which are smaller than Nahiyas and sub-sections, administrative officials should determine headquarters therefor.

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646 666 Art. 13. (1) The Committee of Inspection in each electoral circle shall be composed of seven members in a circle of one deputy, 11 members in a circle of two deputies, and of 15 members in a circle of three deputies.

(2) When the election of a Committee of Inspection is announced the body of eldermen in each Mahallat of an electoral circle Headquarters should elect five individuals from among the residents of the Mahallat. Individuals elected from each Mahallat should meet to elect the Committee of Inspection by secret ballot. After the election of the Committee, its members should elect a President from among themselves by secret ballot.

(3) The judge should issue an invitation for the meeting in question and should attend it to control the proper carrying out of election of the Committee of Inspection and its president.

Chapter II.—Preparation of Lists of Primary Elections

Art. 14. If the Chamber of Deputies is dissolved or its term expires, the administrative official should immediately announce the necessity of the preparation of lists of primary electors, upon which the notables in each Mahallat or village should elect from among themselves three individuals who should meet with the Mukhtar or such person replacing him to prepare the lists. This operation should be completed within ten days.

Art. 15. The lists will contain (the names of) every male who has completed his twentieth year of age whose name is entered in the census Register. If any person who is disqualified to be a primary elector, under Article 2 of this Law, a note to that effect should be entered against his name, indication being made of official documents to this effect, if available.

Art. 16. Two copies of the Lists shall be forwarded to the Mudir of the Nahiya. In the headquarters of Qadhas and Liwas, these shall be forwarded to the administrative official. The lists so received shall be amalgamated and entered in one single register for every electoral section, two copies of such register being forwarded to the administrative official and one copy to the Committee of Inspection.

Art. 17. The Committee of Inspection shall check the register

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received by it and ascertain that they are prepared in accordance with the instructions issued for the purpose and are free from omission, errors, fraud and forgery. For the purpose of ascertaining facts, it may, when necessary, summon before it any person from the nearby localities whom it may desire to summon or send some of its members to the villages. It should complete this checking within 15 days.

Art. 18. On completion of the checking and correction, the Committee of Inspection shall return to each section one copy of its register, the other copy being retained by it, and shall draw up a document embodying the number of primary electors in each electoral section and the total number of primary electors in the electoral circle and forward it to the administrative official.

Art. 19. Upon receipt of the correct registers at the electoral section, the Mudirs of Nahiyas or the administrative officials, as the case may be, shall enter the necessary corrections in the lists of villages or Mahallas and shall return them to the Mukhtars. The corrected registers shall be posted in the headquarters of electoral sections, while the corrected lists will be posted for 7 days in suitable places in the Mahallas and villages for the inhabitants to inspect their contents, the act that the registers and lists have been so posted shall be announced by such means as may be available.

Art. 20. (1) Any person may, within the above-mentioned period of 7 days, object to the undue registration of any name or to the omission of any name which should have been registered. Such objection shall be made unstamped to the Committee of Inspection, who should examine it within 3 days at most and notify the objector of its decision taken by a majority of votes embodying the reason therefor. If the objection is upheld, the registers shall be corrected accordingly, and if rejected the objector may, if he is not satisfied, bring the case before the judge by submitting an unstamped application within 3 days from the date of serving at him of the committee's decision, and if the judge decide to uphold the objection, the registers shall be corrected. After the expiry of the above-mentioned period his objection shall not be entertained and the judge should give his decision within 3 days which should be final, and no fee whatever shall be collected from the applicant.

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646 666 (2) After the expiry of seven days, the lists which have been posted shall be removed and no further objection shall be heard.

Art. 21. The lists, registers and documents mentioned herein above should be revised every year and corrected in accordance with the procedures laid down in the preceding articles, provided that the work of revision and correction in the electoral sections shall be completed before the end of January in each year.

CHAPTER III.—ELECTION OF SECONDARY ELECTORS

Art. 22. (1) The elections shall be held at the headquarters of each electoral section, on the date fixed by the Committee of Inspection, under the supervision of a committee known as the "Electoral Committee" composed of five individuals selected by the Committee of Inspection from among those possessing the qualifications of a secondary elector at the headquarters of the sections, and the presidency of a member of the Committee of Inspection selected by this Committee by drawing lots.

(2) With a view to facilitating the conduct of elections a large section may be divided into several sections and different days may also be fixed for the carrying out of elections.

(3) The Committee of Inspection should fix the days mentioned herein above in such a manner as to ensure the completion of elections at least thirty days before the date fixed for the election of deputies under Article 24.

Art. 23. The voting papers shall be prepared and sealed by the Committee of Inspection. The number forwarded to electoral sections shall be equal to the number of primary electors registered therein.

Art. 24. The voting boxes shall be such size and shape as may be prescribed by the Committee of Inspection. Each box shall have in its top an oblong aperture large enough to receive a folded voting paper and shall have different locks not capable of being opened by the same key.

Art. 25. The member of the Committee of Inspection presiding over the Electoral Committee should arrive at the headquarters of the electoral section sufficiently before the date fixed for the election, taking with him the voting box and the voting papers belonging to that section. On his arrival there, he will invite the Electoral Com-

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mittee to hold a meeting and announce the day, hour and place of election in his section. The committee shall explain to all the primary electors, by such means as may be possible, the purpose of the election and the manner of conducting it, as laid down in this law.

Art. 26. On the day fixed for voting the electoral committee shall assemble at the appointed place and shall call the electors of the villages and Mahallas at the time assigned to them. The voting box shall be opened and shown to be empty and then locked, one key being kept with the President of the Electoral Committee and the other with the eldest member of the Committee. Each elector shall receive a voting paper on which he shall write the names and surnames of those he desires to elect according to the proportion prescribed in Article 10 of this Law. An elector who cannot write may depute some other person to write for him. If more names than the correct number are written, the names first written up to the correct number shall be accepted and the remainder disregarded. If the same name be written more than once, it shall be reckoned once only. Illegible and ambiguous names shall be disregarded.

Art. 27. A sufficient period being allowed after the distribution of the voting papers, they should be collected from the electors present, beginning with the members of the committee if they are entitled to vote in that section. The clerk of the committee shall ask every elector who presents his voting paper to state his name, surname and domicile, and if this statement is verbally confirmed by the Mukhtar, the clerk shall make a vote[1] against his name in the register and he shall be allowed to cast his voting paper in the box. The Electoral Committee should watch the electors lest some of them should cast into the box more than one paper.

Art. 28. When the electors of a village or Mahallat have cast their voting papers in the box, the mukhtar shall announce that the electors of that village or Mahallat have voted. The clerk shall then write on the list of the electors the number of those who attended and those who did not attend. The list shall then be signed by the President and members of the Electoral Committee. This process shall be repeated in the elections of each village and Mahallat.

Art. 29. (1) If a person produces a voting paper on the conclusion of election in his village or Mahallat and the withdrawal of its electors, he shall not be allowed to cast his voting paper.

[1] Mark.—Ed.

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646 666 (2) Voting by *wakala*[1] shall not be allowed, and no one may forward his voting paper though he may have an excuse.

(3) If by the evening the voting remains incompleted, the Electoral Committee shall paste a piece of paper over the aperture of the box and fasten it with a string. This string shall then be sealed on both sides with the seals of all the members, if possible, who shall also seal the locks. The box shall then be kept in a safe place appointed by the Committee and special care shall be taken in guarding it. On the following day, the seals shall be removed after it has been ascertained that they were not tampered with, and the casting of voting papers shall be resumed.

Art. 30. After all the electors have cast their voting papers, the box shall be opened in the presence of the President of the Committee and not less than three of its members. The papers shall be counted and replaced in the box without being read and a statement shall be forthwith drawn up showing the number of electors who have voted in that section and the number of papers found in the box.

Art. 31. Any paper not bearing the seal of the Committee of Inspection shall be considered as *batila*.[2] If it is discovered that the number of papers in the box exceeds the number of electors, and if such increase is more than 10 per cent, the election shall be considered as null and void and shall be repeated. If, however, the increase does not exceed 10 per cent, the voting operation will be resumed after a number of papers equal to that found in excess are removed from the box and cancelled.

Art. 32. (1) After the papers have been counted, the names written thereon shall be recorded as follows:

The names shall be read out and shall be written on a sheet of paper, and as each name is read out, the figure (1) shall be marked against it. In order that the box may not be left open so many papers should be taken out as can be dealt with during the day and the box shall be locked, fastened with a string and sealed on both sides of the string and on the aperture with the seals of all the members of the Committee present. It shall then be kept in a secure place, the door of which shall be likewise sealed. Every evening the papers which have been sorted shall be placed in a bag which shall be sealed and a statement shall be drawn showing the number of votes won by each of the secondary electors.

[1] Proxy.—Ed.
[2] Null and void.—Ed.

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(2) After all the papers have been sorted, the Electoral Committee shall give to each person who has won a majority of votes a document to the effect that he is a secondary elector. The Committee will draw up a statement of the result of the election which shall be signed by the President and all members of the Electors Committee. The President should submit this statement to the Committee of Inspection.

(3) If for any reason the place of a secondary elector falls vacant, his place shall be filled by the winner of the next largest number of votes.

Art. 33. On receipt of the statements mentioned in the preceding article, the Committee of Inspection shall enter the names of all secondary electors in a special register for each section separately. Such register will remain valid until the dissolution of the Chamber of Deputies for the termination of its term.

Chapter IV.—Election of Deputies

Art. 34. Subject to the provisions of Article 44, general elections in all electoral circles will be carried out on the same day appointed by the Minister of Interior. This day will be appointed by such means of publicity as may be available within a period not less than forty days before the prescribed date.

Art. 35—Elections will be carried out on the basis of candidature. Any person who desires to nominate himself as a deputy for an electoral circle should submit an application to this effect to the administrative official of such circle. The application should be written on a special form embodying a declaration, which should be signed by the candidate, to the effect that he possesses the qualifications of a deputy mentioned in Article 4 of this law. This application should be received in a period not less than 20 days before the date appointed for elections. The administrative official should, on receipt of the application, register it against a receipt.

Art. 36. No person may nominate himself for more than 3 electoral circles, except as provided for in Article 47.

Art. 37. A candidate should deposit with the Qadha Treasury a sum of ID. 100. This sum will be credited as revenue to the Qadha municipality if the candidate does not obtain 10 per cent of the votes of the circle.

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666 646 Art 38. (1) The administrative official should forward all applications together with the documents of candidature to the Committee of Inspection on the day following the termination of the period prescribed for the submission of the applications for candidature. The committee should examine these documents in order to ascertain that the preceding articles of this chapter have been fully complied with and will furnish the administrative official with its views as to whether or not the documents were correct, stating the reasons if it considered that the documents were incorrect.

(2) The administrative official should submit to the judge immediately any application which the committee considered as being incorrect, and the judge should give an urgent and final decision in the matter and transmit his decision to the administrative official within a period not less than 15 days before the date prescribed for the carrying out of election.

(3) If the committee has any doubt as to the qualifications of a candidate in accordance with Article 4 of this law, it should state its objection on the document and the administrative official should comply therewith in accordance with Article 46 (4) of this Law.

Art. 39. (1) The administrative official should post the names of candidates whose applications are found to be correct in a public place in the headquarters of the electoral circle as early as possible after the examination, provided that this should not be less than 10 days before the date prescribed for the elections. The names should also be announced to the public through the official and other possible means.

(2) The administrative official will enforce the procedure outlined in Article 47 with regard to the announcement of the names of Christian and Jewish candidates.

Art. 40. All candidates shall be deemed as elected *tazkiyah* if their number do not exceed the number of deputies who should be elected in the electoral circle. In such an event, no voting shall take place and the administrative official should state the fact on announcing the names of candidates, otherwise voting shall be carried out according to the following articles.

Art. 41. (1) On the date and the hour fixed by the Committee of Inspection, the secondary electors should present themselves at the place of elections and shall be given voting papers sealed with

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the seal of the committee and indicating the number of deputies to be elected and the names of candidates, provided that the names shall be written serially as prescribed by the committee by drawing lots. This serial will be adopted in all voting papers.

(2) The provisions of Article 47 (3) shall be enforced with regard to the manner of distribution of the list of candidates in the circumstances indicated therein.

(3) The judge should attend the meeting to supervise the progress of the election.

Art. 42. The voting box shall be placed on a table in front of the Committee of Inspection and the judge. It shall be opened before the voting papers are dropped into it in order that those present should be assured that it is empty. It shall then be closed and a sheet of paper sealed by the Committee of Inspection and three of the secondary electors shall be fastened upon the lock.

Art. 43. (1) The Committee of Inspection shall call up the secondary electors one after another for voting in the order in which their names are registered. The dropping of papers into the box should be watched lest an elector should place more than one paper. No person shall vote unless his document shall have been checked by the Committee of Inspection either before or at the time of voting.

(2) Each elector shall give his vote by writing the names of those candidates whom he wishes to elect on the voting paper.

(3) The procedure adopted in Article 26 shall be enforced with regard to the names in excess of the determined number or names which have been repeated.

Art. 44. (1) If the number of secondary electors who give their votes is not less than 60 per cent of their total number, the Committee of Inspection should announce that the voting operation has been completed. If their number is, however, less than 60 per cent the committee should decide the adjournment of completion of voting to another day which should be announced by such means as may be possible. A sheet of paper shall be on the aperture of the box and shall be sealed by the Committee of Inspection before it is removed from the place of meeting.

(2) The voting operation shall be completed on the adjourned day irrespective of the number of votes.

Art. 45. (1) The Committee of Inspection shall open the box

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after the completion of voting. No voting paper shall be dropped in it after it has been opened.

(2) After the box has been opened, the papers shall be counted and read publicly, and all the names of all candidates shall be written down. As each name is read out the figure (1) shall be marked against it until all the papers have been read. The votes gained by each candidate shall be counted, and a statement showing in figures and words, the number of votes gained by each shall be drawn up and transmitted to the administrative official.

Art. 46. (1) On the same day or the following day, the President of the Committee of Inspection should announce the result of the election in the presence of the administrative official, the judge, the candidates present and others.

(2) The candidates who obtain a majority of votes shall become deputies. In the case of equality of votes, the Committee of Inspection shall decide the matter by drawing lots.

(3) A statement shall be prepared signed by the judge, the administrative official and the Committee of Inspection showing the result of election. A copy of this statement shall be given to each one who has been elected to be a deputy and copies shall be sent to the Ministry of Interior and the Presidency of the Chamber of Deputies.

(4) If the Committee of Inspection raises an objection against the qualification of a candidate as outlined in Article 38(3), the text of the objection should be written on copies of the statement to be given to the deputy and those to be sent to the Ministry of Interior and the Presidency of the Chamber of Deputies.

Art. 47. The election of Minorities in the administrative units outlined in Article 9 shall be carried out in the following manner:

(1) Every Christian or Jew who desires to nominate himself for election should submit an application of candidature, together with the documents to the administrative official in the electoral circle forming the headquarters of the unit concerned, and should not nominate himself in more than one administrative unit.

(2) After the checking of the applications and the documents of candidature, and before the announcement of names under Article 39, the administrative official should furnish the administrative officials of all the electoral circles in the unit with names of Jewish and Christian candidates of all the circles in question.

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(3) The list of candidates shall be divided into 3 parts in the voting papers in each electoral circle in the unit. The first part shall not contain the names of Christians and Jews. The second part shall contain the names of Jews, while the third part shall contain the names of Christians. The number of deputies to be elected shall be indicated at the top of each part of the list.

Chapter V.—Offences and Penalties

Art. 48. Any person who commits any of the following crimes shall be deemed as having offended against this law:

(1) Knowing, or having good reasons to believe that he is disqualified from being an elector, votes at an election.

(2) Knowingly votes under the name of another.

(3) Votes more than once in the same election.

(4) Knowingly inscribes or assists in the inscription of any name in an electoral list or register contrary to the provisions of this law.

(5) Knowingly omits, or causes to be omitted, any name from a list or register which ought to be inscribed therein.

(6) Uses violence or threats or fraud or influence for the purpose of *ta'thir*[1] the elections.

(7) Gives or promises any gift or advantage for the purpose of *ta'thir* the elections.

(8) Accepts or solicits such gift or advantage above-mentioned for himself or a primary elector.

(9) Being employed by a primary or secondary elector to write the names of the persons for whom he wishes to vote, knowingly writes the names of other persons.

(10) Distributions[2] the course of an election by the publication of false rumours or false allegation against the candidates for election.

And shall be punished with imprisonment not exceeding one year or with a fine not exceeding ID. 100, or by both imprisonment and fine, any one who commits one of the offences mentioned above.

All complaints in connection with interference on the part of Government officials with the elections shall be submitted to the Committee of Inspection who shall make the preliminary investigations and forward the charge sheets direct to the courts. If, however, the complaint is against the Committee of Inspection itself, it shall

[1] Influencing.—Ed.
[2] *Sic*; probably "disturbs."—Ed.

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646 be submitted direct to the courts, who will take the necessary legal
666 proceedings against the officials.

Art. 49. Any person who refuses to give information concerning himself for the purpose of compiling electoral lists and registers shall be punished with a fine not exceeding ID. 5.

Art. 50. Whoever, with a view to affecting the result of an election, destroys or makes away with any voting box or any voting paper or any official document concerning the election, shall be punished by imprisonment not exceeding two years or with a fine not exceeding ID. 200, or by both imprisonment and fine.

Chapter VI.—Miscellaneous Provisions

Art. 51. (1) If a person is elected as deputy in more than one electoral circle, he should within 8 days from the date of his being informed, choose the circle which he wishes to represent. A new election will be carried out immediately in the circle relinquished by him.

(2) If an official is elected as deputy, he should relinquish his appointment within 8 days from the date of his being informed. This provision will also apply to officers actually serving in the armed forces.

Art. 52. Armed forces and the police shall not participate in the elections. This provision, however, does not prevent officers from nominating themselves to be elected as deputies.

Art. 53. No person shall be arrested for a debt due to the Government while proceeding to, returning from, or at a place of voting.

Art. 54. Mutasarrifs, Qaimmaqams, Mudirs of Nahiyas, judges, Commandants of Police or Military Commandants may not nominate themselves for election in the electoral circles within their competence.

Art. 55. This law shall come into force from the date of dissolution of the existing Chamber of Deputies or the termination of its term. Article 6, however, will come into force from the date of the publication of this Law in the Official Gazette.

Art. 56. The Ministers of the Interior and Justice are charged with the execution of this Law.

Made at Baghdad this 26th day of Jamadi al Thani, 1366, and the 27th day of May, 1946.